



IFW

Utility Patent  
Ser. No. 10/803,608

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Farber et al.	)	Date: June 9, 2006
	)	
Serial N°: 10/803,608	)	Group Art Unit: 2841
	)	
Filed: 03/18/2004	)	Examiner: Sean Philip Kayes
	)	
For: Method and Equipment for Automated	)	
Tracking and Identification of Nonuniform	)	
Items	)	
	)	

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on 8-30-06 (date).

Typed or printed name of person signing this certificate

TERRY CAROS  
Signature Terry Caros

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) - 273 - 8300 on 8-30-06 (date).

Printed name of person signing this certificate

TERRY CAROS  
Signature Terry Caros

Hon. Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the communication from the Examiner dated 05/31/2006, please amend the application identified above as follows.

**AMENDMENTS TO THE CLAIMS**

Please amend the claims below by deleting items with a strikeout (i.e. ~~patent~~) or brackets / double brackets(i.e., [patent] or [[patent]]) and adding items with an underline (i.e. patent).

1 (Canceled)

2. (Canceled)

3. (Canceled)

4. (Canceled)

5. (Canceled)

6. (Canceled)

7. (Previously Presented) A method for automated tracking and identification of surgical instruments in a surgical room environment comprising:

- f. Measuring the weight of individual surgical instruments belonging to a complete standardized surgical instrument set prior to sterilization by placing on a scale each said surgical instrument one at a time according to a prompt;
- g. Storing the weights of the individual surgical instrument in a computer data file;
- h. Assigning a serial number to the complete standardized surgical instrument set for allowing retrieval of information regarding instrument weights during an operation;
- i. Automatically verifying set completeness during set assembly by the automatic counting and comparing of weights of measured pieces with nominal weights of

this particular type of individual surgical instrument stored in a database;

- j. If a mismatch occurs, then interactively pointing to potentially missing parts identified from said database, wherein said mismatch is identified by:
- f. Placing a restriction that the weight of instruments of the same type cannot differ by more than two times (ratio between minimum and maximum weights of the same type instruments) to prevent rounding off error in any subsequent identification routine;
- g. Identifying an instrument quantity to instruct the user on the specific quantity of the individual surgical instrument needed in each complete standardized surgical instrument set;
- h. Spreading individual surgical instruments on a platform divided into segments, with the individual surgical instrument of the same type being placed within the same segments and the platform weighed by a scale;
- i. Viewing said segmented platform by a video camera connected to a computer equipped with an image processing application;
- j. Placing upon a user an identifying indicia with a specific shape imprint on it with a color or imprint specifically chosen to differentiate it from the background;
- k. During removal of a surgical instrument, identifying a weight change above a specified level while signaling the computer equipped with said image processing application the position of the identifying indicia relative to the segmented platform during said weight change;

- 1     Acquiring, by said computer equipped with an image processing application, a weight differential prior and after placement or withdrawal of the individual surgical instrument such as to be able to identify which instrument was removed from said platform;

wherein by adding up the weight of unused and used instruments and comparing it with the initial weight, verification of set completeness can be done in a single step.

8.     (Original) The method of Claim 7, wherein said identification subroutine comprises the steps:

- a.     Determining average weight of the individual surgical instrument placed within the same segments based on the stored information defined by the formula:

$$X_j = \frac{\sum_{i=1}^n X_i}{n}$$

where,  $X_j$  is the average weight of the individual surgical instrument placed in a segments identified by number  $j$  and  $n$  is number of the instruments in segment  $j$ ;

- b.     Comparing the average weight to said weight differential; and  
c.     Based on the estimated number of pieces removed from each segments, determining a combinatory sum of weights for the estimated number of individual surgical instrument determined in each segments of interest;

wherein said combinatory sum is all possible combinations of weights of the estimated number

of individual surgical instrument positioned within the segments of interest.

9. (Original) The method of Claim 8, wherein determining said combinatory sum comprises the steps:

- a. Estimating the number of pieces placed or removed from said table by dividing the weight differential by the average weight in any particular segment;
- b. Summing the estimated number of pieces for each segment;
- c. Rounding the sum of the estimated number of pieces to the nearest integer; and
- d. Confirming the estimated integer by verifying equality of weight differential with the sum of the product of the average weight differential of the estimated number of pieces in the specific segment and surrounding segments.

10. (Previously Presented) A method for counting of surgical consumables comprising the steps:

- a. detecting new or sterile consumables withdrawals the method of Claim 7; and
- b. returning soiled consumables to a disposal bag monitored by use of a thru beam detection system which counts individual soiled consumables returned.

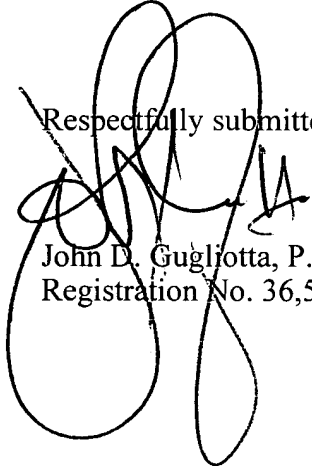
**REMARKS / ARGUMENTS**

Reconsideration of the application as amended is respectfully requested.

Before entry of the present amendment, Claims 7-10 were in condition for allowance as amended. Claims 1-6 have been canceled.

Therefore, in view of foregoing amendments and clarifications, the applicant submits that allowance of the present application and all remaining claims, as amended, is in order and a formal Notice of Allowance is respectfully requested at the earliest possible date.

Respectfully submitted,

  
John D. Gugliotta, P.E., Esq.  
Registration No. 36,538

Patent, Copyright & Trademark Law Group, LLC  
USPTO Customer No. 33055  
430 White Pond Drive  
Suite 200  
Akron, OH 44320  
(330) 253-5678  
Facsimile (330) 253-6658